



NEWS RELEASE

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FOR IMMEDIATE RELEASE

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Summary of Cases Accepted and Related Actions for Week of July 15, 2013

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The statement of the issue or issues in each case set out below does not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#13-59 *Even Zohar Construction & Remodeling, Inc. v. Bellaire Townhouses, LLC*, S210804. (B239928; 215 Cal.App.4th 277; Los Angeles County Superior Court; BC458347.) Petition for review after the Court of Appeal reversed the judgment in a civil action. This case presents the following issue: Do the requirements of Code of Civil Procedure section 1008, subdivision (b), which govern motions to renew previously denied motions, apply to renewed motions under Code of Civil Procedure section 473, subdivision (b), for relief from default judgment?

#13-60 *People v. Smith*, S210898. (D060317; 215 Cal.App.4th 382; Riverside County Superior Court; BAF004719.) Petition for review after the Court of Appeal ordered sentence modified and otherwise affirmed. The court limited review to the following issue: Was defendant properly convicted of murder under the natural and probable consequences theory of aiding and abetting?

#13-61 *People v. Bender*, S210965. (A131954; nonpublished opinion; San Francisco County Superior Court; 212640.) Petition for review after the Court of Appeal affirmed in part and reversed in part a judgment of conviction of criminal offenses. The court ordered briefing deferred pending decision in *People v. Davis*, S198434 (#12-01), which presents the following issue: Did substantial evidence support defendant's convictions for possession and sale of a controlled substance even though MDMA/Ecstasy is not expressly listed as a controlled substance subject to Health and Safety Code sections 11377 and 11379, and the prosecution did not present expert testimony that MDMA/Ecstasy contains a controlled substance or is an analog of a controlled substance?

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